

**DEPARTMENT OF
CITY PLANNING**

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801

AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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MARTA SEGURA

JAMES K. WILLIAMS
COMMISSION EXECUTIVE ASSISTANT II
(213) 978-1300

**CITY OF LOS ANGELES
CALIFORNIA**



ERIC GARCETTI
MAYOR

EXECUTIVE OFFICES

MICHAEL J. LOGRANDE
DIRECTOR
(213) 978-1271

LISA M. WEBBER, AICP
DEPUTY DIRECTOR
(213) 978-1274

JAN ZATORSKI
DEPUTY DIRECTOR
(213) 978-1273

(VACANT)
DEPUTY DIRECTOR

FAX: (213) 978-1275

INFORMATION
www.planning.lacity.org

Date: February 11, 2015

City Plan Case No.: CPC-2009-542-GPA-ZC
-HD-SPR-ZAA and
Environmental Case No: ENV-2009-339-EIR
Council File: 14-0869

Council District No. 15

Honorable City Council City of Los Angeles
City Hall, Room 395
Los Angeles, CA 90012

Dear Councilmembers:

**PROPOSED GENERAL PLAN AMENDMENT, AND ZONE AND HEIGHT DISTRICT CHANGE
ON PROPERTY LOCATED 1313 - 1351 W SEPULVEDA BLVD., WITHIN THE HARBOR
GATEWAY COMMUNITY PLAN**

This document is revised from the one dated January 29, 2015, to include two updated exhibits.

Pursuant to the provisions of Section 551, 555 and 558 of the City Charter, transmitted herewith is the April 17, 2014 action of the City Planning Commission recommending disapproval of a proposed General Plan Amendment to change the land use designation of the subject property from Heavy Industrial to General Commercial within the Harbor Gateway Community Plan ("Community Plan"). The City Planning Commission recommended disapproval of a concurrent Site Plan Review, Zoning Administrator Adjustment, Zone Variance, Zone Change, and Height District Change from M3-IVL to C2-IL.

The Applicant has modified the project and entitlement request with a project design change and elimination of the Zoning Administrator Adjustment and Zone Variance. Pursuant to Committee instruction at the January 13, 2015, Planning and Land Use Management Committee Public Hearing, the Department of City Planning prepared the following documents (resolution, conditions, findings and related ordinances) that support an approval of the proposed project and a change in zoning from M3-1VL to (T)(Q)-C2-2D.

Note that a twelve member (2/3 vote) of Council is required to approve the subject requests.

The proposed General Plan Amendment was submitted to the Mayor whose recommendation will be forwarded to you as specified by Section 11.5.6 of the Los Angeles Municipal Code.

RECOMMENDATION.

The Department cannot recommend an action disparate from our Commission Decision; following are the actions necessary if the Council is to not Concur with the lower decision making body.

That the City Council:

1. Certify that it has reviewed and considered the information contained in the Draft and the Revised and Updated Final Environmental Impact Report (published January 27th, 2015) ENV-2009-339-EIR, SCH 2010021020 and Adopt the Statement of Overriding Considerations.
2. Adopt the attached Findings as the Findings of the City Council; and
3. Do not Concur in the action of the City Planning Commission relative to its recommended disapproval of the Zone Change, Height District Change, and General Plan Amendment for the subject property; and
4. Adopt by Resolution, the proposed Plan Amendment to the Harbor Gateway Community Plan as set forth in the attached resolution; and
5. Adopt the ordinance changing the zone to (T)(Q)C2-2D as set forth in the attached exhibit; and
6. Do not Concur in the action of the City Planning Commission relative to its disapproval of Site Plan Review for a 352 unit residential project at the site.
7. Dismiss as Withdrawn by the applicant a Zoning Administrator's Adjustment and a Zone Variance
8. Direct staff to revise the Community Plan Map in accordance with this action.

Very truly yours,

MICHAEL J. LOGRANDE
Director of Planning



Shana Bonstin
Senior City Planner

Attachments:

1. Revised Conditions of Approval, Including Qs and Ts
2. Findings, including Land Use Findings and CEQA Findings
3. Resolution
4. General Plan Amendment Map
5. Zone Change Ordinance and Map
6. Revised "Exhibit A" Project Plans submitted by Applicant

(Q) QUALIFIED CONDITIONS OF APPROVAL

Pursuant to Section 12.32 G of the Municipal Code, the following limitations are hereby imposed upon the use of the subject property, subject to the "Q" Qualified classification.

A. Entitlement Conditions

1. **Site Plan.** The use and development of the property shall be in substantial conformance with the Plot plan and elevations marked **Revised Exhibit A (consistent with EIR Alternative D)**, and attached to the administrative file. Prior to the issuance of building permits, revised, detailed development plans that show compliance with all conditions of approval, including complete landscape and irrigation plans, shall be submitted to the Department of City Planning Department for review.
2. **Use.** Use of the subject property shall be limited to the use and area provisions of the C2-2D zone; multifamily residential shall be permitted.
3. **Parking.** Pursuant to LAMC Section 12.21A4(x)(3)(a) the Project need not provide more than 792 parking spaces.
4. **Residential Density.** Not more than 352 residential units may be constructed on the property.
5. **Open Space.** A minimum of 119,140 square feet of open space shall be provided on site.
6. **Landscape Plan.** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in accordance with the landscape plan prepared by a licensed landscape architect to the satisfaction of the Department of City Planning Department. (MM)
 - a. Landscaped peninsulas between parking stalls shall be added to and planted with shade producing trees to create shade coverage meeting the City's Landscaping Ordinance # 170,978 subsection K 1. H.
 - b. Mature landscaping shall be planted along the lot lines abutting adjacent properties.
 - c. Pedestrian walkways shall connect doorways and entrances from one building to another and from each building to ground level amenities and the cul-de-sac sidewalks. Walkways on site shall be constructed with a distinct paving material, variegated color and pattern, such that the pathways are differentiated from the driveway surface and enhance pedestrian
7. **Setbacks.** The project shall maintain a 51 foot rear yard setback between the northern property line and any habitable structure on site.
8. **Balconies.** The balcony railings facing lot lines abutting other properties shall be made of solid material. Balconies shall not project into the required setbacks.

B. Environmental Conditions

9. **Aesthetics (Landscape Plan).** All open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped and maintained in

accordance with a landscape plan and an automatic irrigation plan, prepared by a Landscape Practitioner (Sec. 12.40-D) and to the satisfaction of the decision maker.

10. Aesthetics (Vandalism)

- a. Every building, structure, or portion thereof, shall be maintained in a safe and sanitary condition and good repair, and free from, debris, rubbish, garbage, trash, overgrown vegetation or other similar material, pursuant to Municipal Code Section 91.8104.
- b. The exterior of all buildings and fences shall be free from graffiti when such graffiti is visible from a street or alley, pursuant to Municipal Code Section 91.8104.15.

11. Aesthetics (Signage on Construction Barriers)

- a. The applicant shall affix or paint a plainly visible sign, on publically accessible portions of the construction barriers, with the following language: "POST NO BILLS".
- b. Such language shall appear at intervals of no less than 25 feet along the length of the publically accessible portions of the barrier.
- c. The applicant shall be responsible for maintaining the visibility of the required signage and for maintaining the construction barrier free and clear of any unauthorized signs within 48 hours of occurrence.
- d. The Applicant shall ensure through appropriate postings and daily visual inspections that no unauthorized materials are posted on any temporary construction barriers or temporary pedestrian walkways, and that such temporary barriers and walkways are maintained in a visually attractive manner throughout the construction period.

12. Aesthetics (Signage) On-site signs shall be limited to the maximum allowable under the Municipal Code.

13. Aesthetics (Light) Project lighting shall be directed onto the site, and all lighting shall be shielded from adjacent roadways and off-site properties. Atmospheric light pollution shall be minimized by using lighting fixtures that cut-off light directed to the sky.

14. Aesthetics (Glare). The proposed buildings shall incorporate non-reflective exterior building materials (such as plaster and masonry) in their design. Any glass to be incorporated into the façade of the buildings shall be either of low-reflectivity, or accompanied by a non-glare coating.

15. Land Use Planning. The Project Applicant shall provide all prospective residents of the proposed apartment project with a disclosure statement acknowledging the Project is located adjacent to areas designated, zoned for, and improved with industrial land uses, including, at minimum, the following details:

- a. The surrounding M3 zone (City of Los Angeles to the north and west) allows any use in the M2 zone except for any R zone use, dwelling units or guest rooms, and hospitals. Thus, it allows industrial uses, storage yards, and limited commercial manufacturing.
- b. The surrounding M-2 zone (County of Los Angeles to the east) allows heavy manufacturing and all other uses, with the exception of heavy industry needing a CUP. Residential uses and school uses are prohibited
- c. Signed disclosure statements shall be procured by the leasing agent prior to the execution of any residential lease agreements.

16. Sidewalks. All new sidewalks along the project's street frontages shall be paved with pervious (permeable) concrete or interlocking pavers to create a distinctive pedestrian environment and to increase the opportunity for stormwater infiltration on the site.

17. Increased Noise Levels (Landscape Buffer)

- a. A minimum five-foot wide landscape buffer shall be planted adjacent to the residential use.
- b. A landscape plan prepared by a licensed Landscape Architect shall be submitted for review and approval by the decision maker.

18. Increased Noise Levels (Demolition, Grading, and Construction Activities)

- a. The project shall comply with the City of Los Angeles Noise Ordinance No. 144,331 and 161,574, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Construction and demolition shall be restricted to the hours of 7:00 am to 6:00 pm Monday through Friday, and 8:00 am to 6:00 pm on Saturday.
- c. Demolition and construction activities shall be scheduled so as to avoid operating several pieces of equipment simultaneously, which causes high noise levels.
- d. The project contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices. The use of those pieces of construction equipment or construction methods with the greatest peak noise generation potential shall be minimized to the extent feasible. Examples include the use of drills, jackhammers, and pile drivers.
- e. Noise and groundborne vibration construction activities whose specific location on the site may be flexible (e.g., operation of compressors and generators, cement mixing, general truck idling) shall be conducted as far as possible from the nearest noise-sensitive land uses, and natural and/or manmade barriers (e.g., intervening construction trailers) shall be used to screen propagation of noise from such activities towards these land uses to the maximum extent possible.
- f. Equipment warm-up areas, water tanks, and equipment storage areas shall be located as far as possible from the surrounding residential uses.
- g. The Project Contractor shall use power construction equipment with state-of-the-art noise shielding and muffling devices.
- h. Flexible sound control curtains shall be placed around drilling apparatuses and drill rigs used within the Project Site, if sensitive receptors are located at, or within, 50 feet.

19. Increased Noise Levels.

- a. The proposed residences shall comply with the Noise Insulation Standards of Title 24 of the California Code of Regulations, which insure an acceptable interior noise environment. Specifically, the design standards shall be established to maintain noise levels at interior spaces to be within the 45 dBA noise standards. Measures can include, but not be limited to, using construction techniques/materials with a sound transmission class (STC) rating of 32 in habitable rooms/areas, installing sound-rated interior walls between uses, or other site planning and building placement that could reduce or eliminate the line-of-sight between the noise source and residential uses. The applicant shall verify, through an acoustical engineer, that installed sound insulation is sufficient to mitigate interior noise levels below a CNEL of 45 dBA in any habitable room.
- b. The Project Applicant shall construct an 8-foot-high masonry block wall along the northern, eastern, and western property lines to attenuate sound trespass from the adjacent industrial land uses. A 10-foot linear buffer zone fronting the block wall shall be attractively maintained with a landscaped buffer, including tall, dense foliage, to provide further sound absorption and attenuate excessive ambient noise levels.
- c. The Project Applicant shall provide all prospective residents of the proposed apartment project with a disclosure statement acknowledging the Project is located adjacent to an area zoned for and improved with industrial land uses that have the potential to generate noise levels during the late evenings and early morning hours.

Signed disclosure statements shall be procured by the leasing agent prior to the execution of any residential lease agreements.

20. Public Services (Fire).

- a. During demolition and construction, LAFD access from major roadways and internal roadways shall remain clear and unobstructed.
- b. The Project Applicant shall submit a plot plan to the LAFD for review and approval of the Project, which shall provide the capacity of the fire mains serving the Project Site and projected demands. Any required upgrades shall be identified and implemented prior to building permit sign-off.
- c. The design of the Project Site shall provide adequate access for Fire Department equipment and personnel to the structure.
- d. No building or portion of a building shall be constructed more than 300 feet from an approved fire hydrant. Distance shall be computed along the path of travel, except for dwelling units, where travel distances shall be computed to the front door of the unit.
- e. The Project Applicant shall submit plot plans for LAFD approval of access and fire hydrants.
- f. The Project shall provide adequate off-site public and on-site private fire hydrants.
- g. Fire Code requirements that would be implemented as part of the Project include compliance with all applicable State and local codes and ordinances, fire lane design (including width and clearances), fire hydrant locations, fire hydrant flow rates, access roads, turning areas, distances from street or fire lane to condominiums and hotels, requirements for accommodating LAFD equipment, and load bearing requirements for fire access areas to accommodate LAFD equipment.

21. Public Services (Police).

- a. The Project Applicant shall employ security features, such as fencing, security lighting, and roaming security guards, which would serve to minimize the need for LAPD services during construction.
- b. The Project design shall address access control to proposed structures including parking areas, security lighting, landscaping planning and minimization of dead space to eliminate areas of concealment, and provision of security patrol throughout the Project Site if needed. The Design Out Crime Guidelines: Crime Prevention Through Environmental Design, The Design Out Crime Guidelines: Crime Prevention Through Environmental Design, published by LAPD, shall be used for reference. All crime prevention features shall be reviewed and approved by the LAPD prior to the issuance of a building permit.
- c. Upon completion of the Project, the Applicant shall provide the LAPD's Central Area Commanding Officer with a diagram of all portions of the Project Site that includes access routes and any other applicable information that may facilitate police response.
- d. For each construction phase and on-going during operations, an Emergency Procedures Plan shall be developed to address emergency concerns and practices. The plan shall be subject to review by the LAPD.

22. Transportation. At the sole financing by the Project Applicant, the Project Applicant shall be responsible for the following:

- a. **Sepulveda Blvd.** The westbound/eastbound approaches on Sepulveda Boulevard at Normandie Avenue shall be modified to provide a second left-turn only lane. (The resultant approach lane configuration would provide two left-turn lanes, two through lanes, and one shared through/right-turn lane.)
- b. To accommodate the proposed left-turn lanes, the existing median islands on both the westbound and eastbound legs of the intersection along Sepulveda Boulevard shall be reconstructed and the existing eastbound and westbound roadway striping shall be modified for transitional purposes.

- c. Widen north and south sides of Sepulveda Boulevard by two feet from Normandie Avenue to a point east of Normandie Avenue where the striping transitions terminate.
- d. Make a fair-share contribution of 39.3 percent.
- e. **Vermont Avenue.** Vermont Avenue at Sepulveda Boulevard: East Approach: Two left-turn lanes, two through lanes, and one shared through/right-turn lane.
- f. Widen north and south sides of Sepulveda Boulevard by 2-feet from Vermont Avenue to a point east of Vermont Avenue where the striping transitions terminate.
- g. Reconstruct median on the east approach.
- h. Modify traffic signal.
- i. Make a fair-share contribution towards the Los Angeles County Intelligent Transportation System of 10.4 percent.

Administrative Conditions of Approval

23. **Final Plans.** Prior to the issuance of any building permits for the Project by the Department of Building and Safety, the applicant shall submit all final construction plans that are awaiting issuance of a building permit by the Department of Building and Safety for final review and approval by the Department of City Planning. All plans that are awaiting issuance of a building permit by the Department of Building and Safety shall be stamped by Department of City Planning staff "Final Plans". A copy of the Final Plans, supplied by the applicant, shall be retained in the subject case file.
24. **Notations on Plans.** Plans submitted to the Department of Building and Safety, for the purpose of processing a building permit application shall include all of the Conditions of Approval herein attached as a cover sheet, and shall include any modifications or notations required herein.
25. **Approval, Verification and Submittals.** Copies of any approvals, guarantees or verification of consultations, review of approval, plans, etc., as may be required by the subject conditions, shall be provided to the Department of City Planning prior to clearance of any building permits, for placement in the subject file.
26. **Code Compliance.** Use, area, height, and yard regulations of the zone classification of the subject property shall be complied with, except where granted conditions differ herein.
27. **Department of Building and Safety.** The granting of this determination by the Director of Planning does not in any way indicate full compliance with applicable provisions of the Los Angeles Municipal Code Chapter IX (Building Code). Any corrections and/or modifications to plans made subsequent to this determination by a Department of Building and Safety Plan Check Engineer that affect any part of the exterior design or appearance of the Project as approved by the Director, and which are deemed necessary by the Department of Building and Safety for Building Code compliance, shall require a referral of the revised plans back to the Department of City Planning for additional review and sign-off prior to the issuance of any permit in connection with those plans.
28. **Enforcement.** Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Department of City Planning.
29. **Expiration.** In the event that this grant is not utilized within three years of its effective date (the day following the last day that an appeal may be filed), the grant shall be considered null and void. Issuance of a building permit, and the initiation of, and diligent continuation of, construction activity shall constitute utilization for the purposes of this grant.